

SENATE BILL 891

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2lr1008

By: **Senator Brochin**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Lyme Disease – Patient Information and Admissibility of Test**
3 **Results**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to
5 develop and make available to licensed physicians a certain patient information
6 sheet on Lyme disease; authorizing a licensed physician to give the patient
7 information sheet to certain patients; prohibiting a certain laboratory test from
8 being admitted as certain evidence in certain proceedings; defining certain
9 terms; and generally relating to Lyme disease information and test results.

10 BY adding to

11 Article – Health – General
12 Section 18–405
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Health – General**

18 **18–405.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “CLINICAL DIAGNOSIS” MEANS:**

22 **(I) THE OBSERVATION BY A LICENSED PHYSICIAN,**
23 **THROUGH A MEDICAL HISTORY AND PHYSICAL EXAMINATION ALONE OR IN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 CONJUNCTION WITH TESTING, OF SIGNS AND SYMPTOMS COMPATIBLE WITH
2 ACUTE OR LATE-STAGE LYME DISEASE OR POST-TREATMENT LYME DISEASE
3 SYNDROME; OR

4 (II) THE OBSERVATION OF SURVEILLANCE CRITERIA SET
5 FORTH BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

6 (3) "LYME DISEASE" MEANS AN ACUTE OR LATE-STAGE
7 INFECTION WITH *BORRELIA BURGdorFERI* AS DETERMINED BY CLINICAL
8 DIAGNOSIS MADE BY A LICENSED PHYSICIAN.

9 (4) "POST-TREATMENT LYME DISEASE SYNDROME" MEANS THE
10 LINGERING SYMPTOMS OF FATIGUE, PAIN, OR JOINT AND MUSCLE ACHES THAT
11 CONTINUE AFTER A PATIENT IS TREATED FOR LYME DISEASE.

12 (B) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE TO
13 LICENSED PHYSICIANS A PATIENT INFORMATION SHEET ON LYME DISEASE
14 THAT INCLUDES:

15 (1) THE SYMPTOMS OF LYME DISEASE AND POST-TREATMENT
16 LYME DISEASE SYNDROME RECOGNIZED BY THE CENTERS FOR DISEASE
17 CONTROL AND PREVENTION;

18 (2) A NOTIFICATION THAT:

19 (I) LABORATORY TESTS FOR LYME DISEASE MAY GIVE A
20 FALSE NEGATIVE RESULT; AND

21 (II) IF A LABORATORY TEST GIVES A NEGATIVE RESULT,
22 THE PATIENT SHOULD BE RETESTED AT THE DISCRETION OF THE PATIENT'S
23 PHYSICIAN; AND

24 (3) A STATEMENT THAT INFORMS THE PATIENT THAT:

25 (I) INFORMATION REGARDING LYME DISEASE IS
26 INCOMPLETE AND REMAINS MEDICALLY UNCERTAIN; AND

27 (II) THAT THERE IS NO TREATMENT FOR POST-TREATMENT
28 LYME DISEASE SYNDROME THAT HAS BEEN APPROVED BY THE FEDERAL FOOD
29 AND DRUG ADMINISTRATION.

1 **(C) A LICENSED PHYSICIAN MAY GIVE THE INFORMATION SHEET**
2 **DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION TO EACH PATIENT WHO**
3 **IS TESTED FOR LYME DISEASE.**

4 **(D) A LABORATORY TEST THAT GIVES A NEGATIVE RESULT FOR LYME**
5 **DISEASE OR POST-TREATMENT LYME DISEASE SYNDROME MAY NOT BE**
6 **ADMITTED, AS EVIDENCE THAT A PATIENT DOES NOT HAVE LYME DISEASE OR**
7 **POST-TREATMENT LYME DISEASE SYNDROME, IN:**

8 **(1) A COURT PROCEEDING IN THE STATE;**

9 **(2) A PROCEEDING REGARDING THE DENIAL OF INSURANCE**
10 **BENEFITS; OR**

11 **(3) A STATE BOARD OF PHYSICIANS DISCIPLINARY PROCEEDING.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.